

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE**

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<b>IN RE:</b>	)	
	)	<b>CASE NO.: 3:19-01961</b>
<b>KEVIN WAYNE DAVIS,</b>	)	<b>CHAPTER 7</b>
<b>WENDY RENEE JONES DAVIS,</b>	)	<b>JUDGE HARRISON</b>
<b>aka WENDY RENEE JONES,</b>	)	
<b>aka WENDY RENEE DAVIS,</b>	)	
	)	
	)	
<b>Debtors</b>	)	
	)	
<b>SUNTRUST BANK,</b>	)	
	)	
	)	
	)	
	)	
	)	
<b>Movant</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>KEVIN WAYNE DAVIS,</b>	)	
<b>WENDY RENEE JONES DAVIS,</b>	)	
<b>aka WENDY RENEE JONES,</b>	)	
<b>aka WENDY RENEE DAVIS,</b>	)	
	)	
	)	
<b>Debtors</b>	)	
	)	
<b>And</b>	)	
	)	
<b>JEANNE ANN BURTON,</b>	)	
	)	
<b>Chapter 7 Trustee</b>	)	
	)	
<b>Respondents</b>	)	
	)	

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**MOTION FOR RELIEF FROM AUTOMATIC STAY AND ABANDONMENT OF  
PROPERTY FILED BY SUNTRUST BANK**

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Comes now, SunTrust Bank, by and through its attorney, pursuant to Sections 362 and 554 of the Bankruptcy Code and Rule 6007(b) of the Federal Rules of Bankruptcy Procedure, and in support of its Motion for Relief from the Automatic Stay and Abandonment of Property, would state and show unto the Court that:

1. SunTrust Bank is a creditor of Debtor, Kevin W. Davis, by virtue of that certain Retail Installment Contract Simple Finance Charge (“Contract”) dated September 29, 2018, for the purchase of a 2018 Nissan Titan, VIN: 1N6AA1E57JN529913 (“Vehicle”). Pursuant to the terms of the Contract, SunTrust Bank has a validly perfected, first priority security interest in the Vehicle as reflected on the Certificate of Title issued by the State of Tennessee.
2. As of June 6, 2019, the payoff on the Vehicle is \$39,851.22 and the Debtor is delinquent in the amount of \$1,208.86.
3. The N.A.D.A retail value of the Vehicle is \$41,725.00.
4. Pursuant to 11 U.S.C. Section 362(d)(1) and Section 362(d)(2), sufficient cause exists for the lifting of the automatic stay as to SunTrust Bank, its collateral and the proceeds thereof. Said causes include, and are not limited to, the lack of adequate protection, the lack of equity in the property and the lack of necessity for the property to effectuate a successful reorganization in filing this bankruptcy case.
5. The Debtor is obligated by law to surrender the Vehicle to SunTrust Bank immediately.
6. Pursuant to 11 U.S.C. § 554, the Vehicle should be abandoned by the estate as the Vehicle is burdensome to the estate and is of inconsequential value and benefit to the estate.

WHEREFORE, the above premises considered, SunTrust Bank prays:

1. That it be granted relief from the automatic stay to proceed with any and all remedies available under state and/or federal law that are not inconsistent with Title 11 of the United States Code regarding the above-referenced collateral;
2. That the Vehicle be abandoned by the estate as the Vehicle is burdensome to the estate and is of inconsequential value or benefit;
3. The provisions of Rule 4001(a)(3) of the Federal Rules of Bankruptcy procedure be waived; and
4. For such other relief to which it may be entitled.

Respectfully submitted,

/s/ Holly N. Knight  
Holly N. Knight (017940)  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served electronically upon:

Daniel Castagna  
Flexer Law, PLLC  
1900 Church Street  
Suite 400  
Nashville, TN 37203  
Debtor's Attorney

Jeanne Ann Burton  
Jeanne Ann Burton, PLLC  
4117 Hillsboro Pk  
Suite 103-116  
Nashville, TN 37215

Chapter 7 Trustee

US Trustee  
701 Broadway, Suite 318  
Nashville, TN 37203-3966  
U.S. Trustee

and by U.S. Mail, postage prepaid upon:

Kevin Wayne Davis  
Wendy Renee Jones Davis  
10059 Old Nashville Highway  
Smyrna, TN 37167

this the 14th day of June, 2019.

/s/ Holly N. Knight  
Holly N. Knight